

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 4 1934 NUMBER 234

Washington, Tuesday, December 5, 1939

The President

EXECUTIVE ORDER

EXCUSING FEDERAL EMPLOYEES FROM DUTY ON DECEMBER 23 AND 30, 1939

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

1. The several Executive departments, independent establishments, and other governmental agencies in the District of Columbia, including the Government Printing Office and the Navy Yard and Naval Stations, shall be closed all day on Saturday, December 23, 1939, and all day on Saturday, December 30, 1939; and all employees in the Federal service in the District of Columbia, and in the field service of the Executive departments, independent establishments, and other agencies of the Government, except those who may for special public reasons be excluded from the provisions of this order by the heads of their respective departments, establishments, or agencies, or those whose absence from duty would be inconsistent with the provisions of existing law, shall be excused from duty on those days.

2. This order shall be published in the FEDERAL REGISTER.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

Nov 30, 1939.

[No. 8291]

[F. R. Doc. 39-4475; Filed, December 1, 1939; 1:36 p. m.]

EXECUTIVE ORDER

AMENDING THE FOREIGN SERVICE REGULATIONS OF THE UNITED STATES

By virtue of and pursuant to the authority vested in me by section 1752 of the Revised Statutes of the United States (22 U.S.C. § 132), it is ordered that the Foreign Service Regulations of the United States be, and they are

hereby, amended by prescribing the following as Chapter X thereof:

CHAPTER X—LEGAL SERVICES

X-1. Duties of officers of the Foreign Service in connection with extradition proceedings.

(a) *Diplomatic representatives.* Diplomatic representatives shall perform the following described duties in connection with the extradition from the country to which the representative is accredited of fugitives from justice in the United States:

(1) When so instructed by the Department of State, they shall submit a request for the provisional arrest of the fugitive either to the foreign office or to the competent authority, according to local practice.

(2) Upon the receipt of duly authenticated extradition papers from the Department of State, they shall authenticate the certificates of the Department of State attached to the papers (unless there has been such authentication by the diplomatic representative of the requested country at Washington), and present the requisition for extradition either to the foreign office or to the competent authority of the foreign government, according to local practice.

(b) *Consular Officers.* In the absence of specific instructions from the Department of State received either directly or through the diplomatic representative, consular officers shall not intervene in extradition matters. When a consular officer is charged with the duty of applying for extradition, he shall present extradition documents to the competent authority of the district to which he is assigned, and shall act strictly in accordance with instructions from the Department of State.

X-2. *Authentication of foreign extradition papers.* Diplomatic representatives and consular officers of the United States shall follow the procedure prescribed by section 5 of the act of August 3, 1882, 22 Stat. 216 (18 U.S.C. § 655), in authenticating documentary evidence offered by foreign governments in sup-

CONTENTS

THE PRESIDENT

Executive Orders:	Page
California and Arizona, Public Water Restoration No. 84...	4763
Eight-hour law suspension, persons employed in construction of certain emergency air bases.....	4762
Federal employees excused from duty on December 23 and 30, 1939.....	4761
Foreign Service Regulations amended (legal services)....	4761
Puerto Rico Reconstruction Administration, appointment of Admiral William D. Leahy as Administrator of Wyoming, changing name of Pathfinder Wildlife Refuge and adding certain lands thereto.....	4763

RULES, REGULATIONS, ORDERS

TITLE 9—ANIMALS AND ANIMAL PRODUCTS:	
Agricultural Marketing Service: Snyder Livestock Market, notice under Packers and Stockyards Act.....	4763
TITLE 18—CONSERVATION OF POWER: Federal Power Commission: Natural-gas companies, uniform system of accounts..	4764
TITLE 21—FOOD AND DRUGS: Food and Drug Administration: Labeling provisions, effective date temporarily postponed.....	4764
TITLE 43—PUBLIC LANDS: INTERIOR: Division of Grazing: New Mexico Grazing Districts Nos. 2 and 4, modification.....	4765

NOTICES

Civil Aeronautics Authority: Mid-Continent Airlines, Inc., hearing	4768
--	------

(Continued on next page)



Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; single copies 10 cents each; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the FEDERAL REGISTER should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

CONTENTS—Continued

Department of Agriculture:	
Rural Electrification Administration:	
Allocation of funds for loans...	4765
Department of Labor:	
Wage and Hour Division:	
Issuance of certificates for employment of learners:	
Apparel industry (2 notices)	4765, 4766
Hosiery industry (2 notices)	4766
Knitted wear industry	4767
Textile industry	4767
Tufted bedspread branch of the textile industry	4767
Sheltered workshops, resignation from and appointment to Advisory Committee	4765
Federal Communications Commission:	
Huffman, William F., hearing	4768
Federal Power Commission:	
Central New York Power Corp., order to show further cause	4769
Maryland Public Service Co., and Consolidated Gas Electric Light and Power Co. of Baltimore, application	4768
McClellan, William, et al., hearing	4769
Securities and Exchange Commission:	
Hearings:	
American States Utilities Corp	4770
Metropolitan Edison Co.	4770
Morgan Stanley & Co., Inc., Bonbright & Co., Inc.	4769
Rogers-Majestic Corp., Ltd., application granted	4770

CONTENTS—Continued

United States Civil Service Commission:	Page
Apportionment at close of business, November 30, 1939	4771

port of requisitions for the extradition of fugitives from the United States.

X-3. *Legal services for private persons.* Except when authorized by the Department of State, officers of the Foreign Service shall not perform legal services of the kind usually performed by attorneys for private persons.

X-4. *Agreements with local attorneys prohibited.* Officers of the Foreign Service shall not enter into agreements with attorneys in their districts respecting the performance of legal services for persons applying to the mission or consulate therefor. In appropriate cases, alphabetically arranged lists of names of such attorneys may be furnished to applicants.

When any person in an officer's district desires to have the name of an attorney in the United States, the officer may refer him to such lists of attorneys as are at his disposal, but shall make no recommendation as to any particular attorney.

X-5. *Notarial services.* In the absence of statutory enactment on the subject, diplomatic officers, except ambassadors and ministers, may, and consular officers shall, perform within the confines of their districts such notarial acts as a notary public is authorized to perform under the general law and according to the usage of nations, provided a request is made for such services, or their performance is deemed necessary.

When statutes governing the performance of such acts have been enacted by the Federal or State Governments, officers shall be guided by the terms of the applicable statute.

X-6. *Services of legal process by officers of the Foreign Service.* Officers and employees of the Foreign Service are hereby forbidden to serve subpoenas, citations, complaints, or other forms of legal process, in connection with cases pending in Federal or State courts of the United States, except as follows:

(a) *Service of subpoenas.* Unless such action is prohibited by local law, officers of the Foreign Service shall, on the request of the clerk of court or the officer requesting such subpoena to be issued, serve:

(1) Subpoenas issued by the courts of the United States commanding a witness (resident in a foreign jurisdiction, but a citizen of the United States or domiciled therein) who has failed or neglected to appear and give testimony in answer to letters rogatory, or who has appeared and refused to give testimony, to appear before the issuing court at a time and place

designated in the subpoena. (28 U.S.C. §§ 711; 713.)

(2) Subpoenas issued by the courts of the United States at the request of the Attorney General or assistants acting under him, to compel the attendance of a witness (resident in a foreign jurisdiction, but a citizen of the United States or domiciled therein) at the trial of a criminal action. (28 U.S.C. §§ 712; 713.)

(b) *Service of orders to show cause.* Officers of the Foreign Service shall serve orders to show cause issued in contempt proceedings on a witness who has failed or neglected to appear in answer to a subpoena served in accordance with the provisions of subdivision (a) of this section. (28 U.S.C. §§ 713, 714, 715, and 716.)

(c) *Delivery of documents in connection with fraudulent naturalization.* Officers of the Foreign Service shall deliver, or assist in delivering, to designated persons, documents relating to fraudulent naturalization when such documents are forwarded by duly authorized officials of the United States courts.

Sections of Regulations Canceled

The following provisions of the Foreign Service Regulations of the United States are hereby canceled:

Part I

Sections XI-8 and XVI-13
Chapters XIII and XIV

Part II

Sections XXIV-423 to XXIV-425, inclusive, XXIV-443, XXIV-479 to XXIV-483, inclusive, XXIV-487 to XXIV-490, inclusive, and XXVIII-603I.

Revocation of Executive Order

Executive Order No. 7470, dated October 15, 1936,¹ is hereby revoked.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
November 30, 1939.

[No. 8292]

[F. R. Doc. 39-4473; Filed, December 1, 1939; 1:35 p. m.]

EXECUTIVE ORDER

SUSPENSION OF EIGHT-HOUR LAW AS TO PERSONS EMPLOYED BY THE GOVERNMENT IN THE CONSTRUCTION OF CERTAIN EMERGENCY AIR BASES

WHEREAS the act of April 25, 1939, 53 Stat. 590, authorizes the Secretary of the Navy to establish, develop, or increase naval aviation facilities at or in the vicinity of certain places mentioned therein, including Midway Island and Wake Island; and

WHEREAS the Corps of Engineers, United States Army, is engaged in harbor development at Midway Island and Wake

¹ 1 F.R. 1624.

Island pursuant to the act of August 26, 1937, 50 Stat. 844, by use of Government forces, and has been requested by the Secretary of the Navy to perform additional work necessary for the establishment of naval aviation facilities at such places; and

WHEREAS by section 1 of the act of August 1, 1892, 27 Stat. 340, as amended by the act of March 3, 1913, 37 Stat. 726 (U.S.C., title 40, sec. 321), the service and employment of all laborers and mechanics employed by the Government upon any public work of the United States, and of all persons employed by the Government to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States, is limited to eight hours in any one calendar day *except in case of extraordinary emergency*; and

WHEREAS it appears that the interests of the national defense require the establishment of naval aviation facilities at the said Midway and Wake Islands at the earliest practicable date; and

WHEREAS it further appears that because of the isolation of such places from sources of labor supply it will be impossible to accomplish the work required in the establishment of such facilities within the time required by the interests of the national defense unless the said eight-hour limitation is suspended as to persons employed by the Government upon such work; and

WHEREAS I find that by reason of the foregoing an extraordinary emergency exists:

NOW, THEREFORE, by virtue of the authority vested in me by section 1 of the said act of August 1, 1892, as amended by the said act of March 3, 1913, and as President of the United States, I hereby suspend the above-mentioned provisions of law prohibiting more than eight hours labor in any one day of persons employed by the Government of the United States as to all work authorized and performed under the said acts of August 26, 1937, and April 25, 1939, at or in the vicinity of Midway Island and Wake Island.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
November 30, 1939.

[No. 8293]

[F. R. Doc. 39-4474; Filed, December 1, 1939; 1:35 p. m.]

EXECUTIVE ORDER

APPOINTMENT OF ADMIRAL WILLIAM D. LEAHY, GOVERNOR OF THE TERRITORY OF PUERTO RICO, AS ADMINISTRATOR OF THE PUERTO RICO RECONSTRUCTION ADMINISTRATION

By virtue of and pursuant to the authority vested in me under the Emergency Relief Appropriation Act of 1935 (49 Stat. 115) and the act entitled "An

Act to provide that funds allocated to Puerto Rico under the Emergency Relief Appropriation Act of 1935 may be expended for permanent rehabilitation, and for other purposes", approved February 11, 1936 (49 Stat. 1135), I hereby appoint Admiral William D. Leahy, U. S. Navy (Retired), Governor of the Territory of Puerto Rico, as Administrator of the Puerto Rico Reconstruction Administration, vice Harold L. Ickes, resigned, to serve without additional compensation, and to exercise and discharge the functions, duties, and authority conferred upon the Puerto Rico Reconstruction Administration and the Administrator by Executive Orders No. 7057 of May 28, 1935; No. 7180 of September 6, 1935, as amended by No. 7554 of February 17, 1937; and No. 7689 of August 12, 1937.¹

The said Executive Orders are amended accordingly.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
November 30, 1939.

[No. 8294]

[F. R. Doc. 39-4471; Filed, December 1, 1939; 1:34 p. m.]

EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDERS OF JANUARY 3, 1917, AND JUNE 16, 1925

PUBLIC WATER RESTORATION NO. 84

California and Arizona

By virtue of the authority vested in me by section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847, the Executive orders of January 3, 1917, and June 16, 1925, as construed by Department of Interior Interpretation No. 70 of June 16, 1928, creating, respectively, Public Water Reserves Nos. 41 and 92, are hereby revoked in so far as they pertain to or affect the following-described lands in California and Arizona:

CALIFORNIA

San Bernardino Meridian

In Public Water Reserve No. 41:

T. 17 S., R. 1 E., sec. 20, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

ARIZONA

Gila and Salt River Meridian

In Public Water Reserve No. 92:

All public lands lying within a quarter of a mile of South Cove Spring located approximately in what will probably be when surveyed, sec. 35, T. 40 N., R. 3 E.

All unappropriated public lands lying within a quarter of a mile of North Cove Spring located approximately in what will probably be when surveyed, sec. 35, T. 40 N., R. 3 E.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
November 30, 1939.

[No. 8295]

[F. R. Doc. 39-4472; Filed, December 1, 1939; 1:34 p. m.]

¹ 2 F.R. 338, 1403.

EXECUTIVE ORDER

CHANGING THE NAME OF THE PATHFINDER WILDLIFE REFUGE AND ADDING CERTAIN LANDS THERETO

WYOMING

By virtue of the authority vested in me as President of the United States, and by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered as follows:

Section 1. The name of the Pathfinder Wildlife Refuge in Carbon and Natrona Counties, Wyoming, established by Executive Order No. 7425 of August 1, 1936,¹ is hereby changed to Pathfinder National Wildlife Refuge.

Section 2. Subject to valid existing rights, the following-described public lands in Natrona County, Wyoming, are hereby included in and reserved as a part of the said refuge:

Sixth Principal Meridian

T. 30 N., R. 85 W., sec. 30, lots 1, 2, and 3, E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
T. 30 N., R. 86 W., sec. 25, NE $\frac{1}{4}$.

Section 3. The lands herein reserved have been withdrawn for reclamation purposes in connection with the North Platte project, and are primarily under the jurisdiction of the Department of the Interior for use in connection with that project. The reservation of such lands as an addition to the Pathfinder National Wildlife Refuge is subject to the use thereof by the said Department for irrigation and incidental purposes.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
November 30, 1939.

[No. 8296]

[F. R. Doc. 39-4470; Filed, December 1, 1939; 1:34 p. m.]

Rules, Regulations, Orders

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE

NOTICE UNDER PACKERS AND STOCKYARDS ACT²

DECEMBER 1, 1939.

To FRED SNYDER, doing business as Snyder Livestock Market, Lubbock, Tex.

Whereas, the Snyder Livestock Market, at Lubbock, Texas, was posted on Nov. 14, 1939, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas it now appears that the Snyder Livestock Market is not being op-

¹ 1 F.R. 936.

² Modifies list posted stockyards 9 CFR 204.1.

erated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the Snyder Livestock Market, at Lubbock, Texas, no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] M. L. WILSON,
Under Secretary of Agriculture.

[F. R. Doc. 39-4482; Filed, December 2, 1939;
11:41 a. m.]

TITLE 18—CONSERVATION OF POWER

CHAPTER I—FEDERAL POWER COMMISSION

[Order No. 69]

IN THE MATTER OF UNIFORM SYSTEM OF ACCOUNTS TO BE PRESCRIBED FOR NATURAL-GAS COMPANIES SUBJECT TO THE PROVISIONS OF THE NATURAL GAS ACT (DOCKET NO. G-137)

ORDER PRESCRIBING A SYSTEM OF ACCOUNTS FOR NATURAL-GAS COMPANIES UNDER THE NATURAL GAS ACT

NOVEMBER 3, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) Section 8 (a) of the Natural Gas Act authorizes the Commission to prescribe a system of accounts to be kept by natural-gas companies and to classify such natural-gas companies and prescribe a system of accounts for each class;

(b) Copies of a tentative draft, dated May 15, 1939, of a uniform system of accounts to be prescribed for natural-gas companies subject to the provisions of the Natural Gas Act, were, on June 20, 1939, sent by the Commission to State commissions, natural-gas companies and other interested persons and organizations, and comments and suggestions with respect thereto were requested to be filed with the Commission on or before July 10, 1939;

(c) The Commission received comments and suggestions with respect to said tentative draft from certain State commissions, natural-gas companies and others;

(d) On September 6, 1939, the Commission adopted an order¹ in Docket a date for hearing for the purpose of receiving evidence with respect to the adoption of the proposed uniform system of accounts for natural-gas companies from any State commission, natural-gas company, or person, corporation or organization having an interest in the matter;

(e) Said order of September 6, 1939, was sent by the Commission to State commissions, persons engaged in the

natural-gas business and other persons and organizations, and a copy thereof was duly published in the FEDERAL REGISTER in the issue of September 12, 1939;

(f) A public hearing in this matter was held on September 27 and 28, 1939, before the Commission sitting *en banc*, and oral and documentary evidence was duly received from the Commission's staff, State commissions, a Committee representing the American Gas Association, representatives of the natural-gas industry and others; and memorandum briefs were subsequently filed by representatives of the natural-gas industry pursuant to permission granted at said hearing;

The Commission, having considered the record made in this proceeding by oral and documentary evidence and briefs filed, and acting pursuant to authority granted by the Natural Gas Act (52 Stat. 821), particularly Sections 8 (a), 10 (a) and 16 thereof, and finding such action necessary and appropriate for carrying out the provisions of said Act, orders that:

(A) The accompanying system of accounts, entitled "Uniform System of Accounts Prescribed for Natural-Gas Companies Subject to the Provisions of the Natural Gas Act," and the rules and regulations contained therein,² be and they are hereby adopted;

(B) Said system of accounts and said rules and regulations contained therein be and the same are hereby prescribed and promulgated as the system of accounts and rules and regulations of the Commission to be kept and observed by natural-gas companies subject to the jurisdiction of the Commission, to the extent and in the manner set forth therein;

(C) Said system of accounts and rules and regulations therein contained shall, as to all natural-gas companies now subject to the jurisdiction of the Commission, become effective on January 1, 1940, and as to any natural-gas company which may hereafter become subject to the jurisdiction of the Commission, they shall become effective as of the date when such natural-gas company becomes subject to the jurisdiction of the Commission;

(D) A copy of said system of accounts and rules and regulations contained therein be forthwith served upon each person which may be subject to the jurisdiction of the Commission under the Natural Gas Act;

(E) The Secretary of the Commission shall cause this order and the system of accounts prescribed thereby to be forthwith published in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-4491; Filed, December 4, 1939;
12:06 p. m.]

¹ Filed as a part of the original document; requests for copies should be addressed to the Federal Power Commission.

TITLE 21—FOOD AND DRUGS

CHAPTER I—FOOD AND DRUG ADMINISTRATION

PROMULGATION OF REGULATION TEMPORARILY POSTPONING THE EFFECTIVE DATE OF CERTAIN OF THE LABELING PROVISIONS OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Under the authority of the Act of Congress approved June 23, 1939 (Public No. 151—76th Congress), the following regulations temporarily postponing the effective date of certain labeling provisions of the Federal Food, Drug, and Cosmetic Act is hereby promulgated.

§ 9.01 *Effective date of certain labeling provisions of the Federal Food, Drug, and Cosmetic Act temporarily postponed in certain cases.* (a) The effective date of the provisions of sections 403 (e) (1), 403 (g), (h), (i), (j), and (k), 502 (b), (d), (e), (f), (g), and (h), and 602 (b) of the Federal Food, Drug, and Cosmetic Act is hereby postponed to July 1, 1940, with respect to any stock of lithographed labeling which was manufactured prior to February 1, 1939, and to any stock of containers bearing labeling which, prior to February 1, 1939, was lithographed, etched, stamped, pressed, printed, fused, or blown on or in such containers—

(1) If such stock is used by the person for whom it was manufactured, or by a bona fide successor to the business;

(2) If the quantity of such stock held by such person on January 1, 1940, exceeds 10 percent of the total stock of such labels or containers used during the calendar year 1939;

(3) If such person keeps until July 1, 1941, records showing the amount of such stock used during the calendar year 1939 and the amount on hand on January 1, 1940;

(4) If such person makes such records available at all reasonable hours until July 1, 1941, to any officer or employee of the Food and Drug Administration who requests them;

(5) If non-compliance with the sections of the Act hereinbefore specified does not make such labeling misleading by reason of its failure to reveal facts material in the light of representations made or suggested by statement, word, design, device, or any combination thereof in such labeling, or material with respect to consequences which may result from the use of the article to which such labeling relates under the conditions of use prescribed in such labeling or under such conditions of use as are customary or usual; and

(6) If such labeling would have complied with the requirements of the Federal Food and Drugs Act of June 30, 1906, as amended.

¹ 4 F.R. 3885 DI.

(b) Notwithstanding the provisions of subsection (a), such subsection shall not apply—

(1) To the provisions of section 502 (d) of the act, insofar as such provisions relate to morphine, opium, cocaine, heroin, alpha eucaine, beta eucaine, cannabis, chloral, or any derivative of any such substance;

(2) To the provisions of section 502 (e) of the act, insofar as such provisions relate to alcohol, chloroform, or acetanilid, or any derivative or preparation of any such substance; or

(3) To the provisions of section 502 (b), (d), (e), (f), (g), and (h) of the act, insofar as such provisions relate to drugs to which section 505 of the act applies.

This regulation shall take effect upon filing with the Archivist of the United States and publication of same in the FEDERAL REGISTER.

[SEAL] M. L. WILSON,
Acting Secretary of Agriculture.

December 2, 1939.

[F. R. Doc. 39-4488; Filed, December 4, 1939;
11:21 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER III—DIVISION OF GRAZING

NEW MEXICO GRAZING DISTRICTS NOS. 2 AND 4

MODIFICATION

OCTOBER 21, 1939.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended, the Departmental orders of April 8, 1935, and March 27, 1936, establishing New Mexico Grazing Districts Nos. 4 and 2, respectively, are hereby revoked as far as they affect the following-described lands, such revocation to be effective upon the inclusion of the lands within the Bosque del Apache National Wildlife Refuge:

NEW MEXICO

New Mexico Principal Meridian

All that part of T. 6 S., R. 1 W., unsurveyed, lying on the northwest side of the Bosque del Apache Grant between the boundaries of the Bosque del Apache Grant No. 35 and the Pedro Armendaris Grant No. 34;

All the Bosque del Apache Grant No. 35 lying in Tps. 5, 6, and 7 S., Rs. 1 W. and 1 E., and Tps. 5 and 6 S., R. 2 E.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 39-4483; Filed, December 4, 1939;
9:32 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 415]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 1, 1939.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project Designation:	Amount
Alabama 7032W1 Geneva.....	\$5,000
Arkansas R9015W1 Woodruff.....	10,000
Florida 0022W1 Escambia.....	5,000
Georgia R9068W3 Grady.....	5,000
Idaho 7016W1 Cassia.....	5,000
Indiana R9021W1 Bartholomew.....	10,000
Indiana R9074W1 Huntington.....	1,000
Iowa R9053W1 Linn.....	2,000
Iowa R9056W1 Poweshiek.....	1,000
Iowa 7070W1 Osceola.....	5,000
Iowa 7073W1 Adair.....	5,000
Kansas 7019W1 Butler.....	5,000
Kansas 7029W1 Republic.....	5,000
Kansas 7031W1 Crawford.....	5,000
Maine R9008W1 Aroostook.....	5,000
Minnesota 7062W3 Wright.....	10,000
Mississippi R9049W1 Lee.....	5,000
Missouri 7045W1 Osage.....	5,000
Missouri 7053W1 Polk.....	5,000
Nebraska R9051W2 Burt District Public.....	5,000
Nebraska R9064W2 York District Public.....	7,000
Pennsylvania R9019W1 Warren.....	5,000
Pennsylvania R9022W1 Jefferson.....	5,000
Texas 7064W4 San Augustine.....	10,000
Texas R9098W1 Young.....	5,000
Texas 8100W1 Washington.....	5,000
Virginia 7036W1 Prince George.....	5,000
Washington R9020W1 Columbia.....	5,000
Washington 7030W1 Stevens.....	5,000
Washington R9035W1 Pend Oreille.....	10,000
Wisconsin 7025W1 Monroe.....	1,000
Wisconsin R9054W2 Polk-Burnett.....	10,000
Wisconsin R9055W2 Adams.....	7,500

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 39-4490; Filed, December 4, 1939;
11:46 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 36]

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO ADVISORY COMMITTEE ON SHELTERED WORKSHOPS

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Harold D. Jacobs, Administrator of the Wage and Hour Division, U. S. Department of Labor,

Do hereby accept the resignation of Mr. Henry H. Collins, Jr., from the Advisory Committee on Sheltered Workshops, and do appoint in his stead Miss

Louise McGuire, Wage and Hour Division, U. S. Department of Labor, who is hereby designated to serve as Secretary of the Committee.

Signed at Washington, D. C., this 4th day of December, 1939.

HAROLD D. JACOBS,
Administrator.

[F. R. Doc. 39-4489; Filed, December 4, 1939;
11:24 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 5, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates may be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Consumer Shirt Co., Inc., Ashland, Virginia, men's shirts.

McKettrick-Williams, Inc., Portland, Maine, dresses.

Signed at Washington, D. C., this 4th day of December 1939.

GUSTAV PECK,
Assistant Director,
Hearings Branch.

[F. R. Doc. 39-4492; Filed, December 4, 1939; 12:44 p. m.]

NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective December 5, 1939, until April 2, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employer that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a

conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5(b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificates may be canceled as of the date of issuance and if so canceled, reimbursement of all persons employed under such Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Name and address of firm	Product	Number of learners
F. Jacobson & Sons, Inc., Kingston, New York.	Shirts.....	10
Jobbers Pants Company, Stuart, Virginia.	Work clothing.	75

Signed at Washington, D. C., this 4th day of December 1939.

GUSTAV PECK,
Assistant Director,
Hearings Branch.

[F. R. Doc. 39-4493; Filed, December 4, 1939; 12:44 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective December 5, 1939, to August 5, 1940, unless otherwise indicated subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special

Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM AND NUMBER OF LEARNERS

Alabama Hosiery Mills, Inc., Decatur, Alabama (50 learners).

Signed at Washington, D. C., this 4th day of December 1939.

GUSTAV PECK,
Assistant Director,
Hearings Branch.

[F. R. Doc. 39-4494; Filed, December 4, 1939; 12:44 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective December 5, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in any amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM

Herbert Hosiery Mills, Inc., Norristown, Pennsylvania.

Signed at Washington, D. C., this 4th day of December 1939.

GUSTAV PECK,
Assistant Director,
Hearings Branch.

[F. R. Doc. 39-4495; Filed, December 4, 1939;
12:45 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Knitted Wear Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 5, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Knitted Wear Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has not been previously employed for more than eight (8) weeks in the aggregate during the preceding three (3) years upon sewing machine or knitting machine operations, respectively.

(2) The employment of learners under these Certificates is limited to the operation of sewing machines and knitting machines and for eight (8) weeks for any one learner. During this period, no learner may be paid at a rate less than 22½¢ per hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 22½¢ per hour but in no event less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced operators are not available.

(4) These Special Certificates may be canceled as of the date of their issuance if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of their terms have been violated or that experienced workers have become available. No learner may be employed under these Certificates if hired when an experienced worker was available.

(5) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Cer-

tificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of sewing machine and knitting machine operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's names:

NAME AND ADDRESS OF FIRM AND PRODUCT

Coopers, Inc., Kenosha, Wisconsin, (5 learners), underwear.

Signed at Washington, D. C., this 4th day of December 1939.

GUSTAV PECK,
Assistant Director,
Hearings Branch.

[F. R. Doc. 39-4496; Filed, December 4, 1939;
12:45 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 5, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learners shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available. No learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Certificates expire October 24, 1940 and are subject to cancellation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and may be canceled as of the date of issue if it is found that they were issued when experienced workers were available and may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of three (3) percent of the total number of persons in the learner occupations herein described employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name.

NAME AND ADDRESS OF FIRM AND PRODUCT

Belding Hemingway Company, Putnam, Connecticut, silk threads and yarns.
Echota Cotton Mills, Calhoun, Georgia, narrow sheeting (cotton).

Huntingdon Specialty Co., Huntingdon, Pennsylvania, (3 learners), silk and rayon ribbon.

Lanning Bag & Specialty Co., Harvard, Illinois, (3 learners), cloth bags.

Spless Ribbon Mills, Stroudsburg, Pennsylvania, (3 learners), silk and rayon ribbon.

G. H. Vanderbeck, Inc., 4041 Ridge Avenue, Philadelphia, Pennsylvania, (3 learners), cotton, silk, and rayon thread.

Signed at Washington, D. C., this 4th day of December 1939.

GUSTAV PECK,
Assistant Director,
Hearings Branch.

[F. R. Doc. 39-4497; Filed, December 4, 1939;
12:45 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Stand-

ards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 5, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND
CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks experience as a chenille operator or less than sixteen (16) weeks experience as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period no learners may be paid at a rate less than 25¢ an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour, and no learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight-week retaining period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available. No learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(4) These Certificates expire October 24, 1940, and are subject to cancellation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and they may be cancelled as of the date of their issuance if it is found that they were issued when experienced workers were available and may be cancelled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of chenille and punch work operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

The Boysell Company, Inc., Gastonia, North Carolina, chenille bedspreads.

Signed at Washington, D. C., this 4th day of December 1939.

GUSTAV PECK,
Assistant Director,
Hearings Branch.

[F. R. Doc. 39-4498; Filed, December 4, 1939;
12:46 p. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 328]

IN THE MATTER OF THE APPLICATION OF
MID-CONTINENT AIRLINES, INC., FOR A
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY UNDER SECTION 401 OF
THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding, being the application of Mid-Continent Airlines, Inc., for a certificate of public convenience and necessity authorizing air transportation from Bismarck, N. Dak., to Minot, N. Dak., is assigned for public hearing on January 19, 1940, 10 o'clock a. m. (Eastern Standard Time) at the Mayflower Hotel, Connecticut Avenue and DeSales St., Washington, D. C., before an Examiner of the Authority.

Dated Washington, D. C., November 30, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-4484; Filed, December 4, 1939;
9:50 a. m.]

FEDERAL COMMUNICATIONS COM-
MISSION.

[Docket No. 4864]

IN RE APPLICATION OF WILLIAM F. HUFF-
MAN (NEW)

Dated, June 23, 1937; for construction permit; class of service, broadcast; class of station, broadcast; location, Wisconsin Rapids, Wisc.; operating assignment specified: Frequency, 1310; power, 100 w., night—250 w., day; hours of operation, unlimited.

[File No. B4-P-1902]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the technical and program service to be rendered, and to determine the financial qualifications of the applicant.

2. To determine whether this application and the application of Geodge F. Meyer, Medford, Wisconsin (B4-P-2501)

are mutually exclusive, and if so, whether public interest, convenience and necessity would be served by granting this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

William F. Huffman,
1031—4th St., South,
Wisconsin Rapids, Wisc.

Dated at Washington, D. C., December 1, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 39-4485; Filed, December 4, 1939;
10:45 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5558]

IN THE MATTER OF THE MARYLAND PUBLIC
SERVICE COMPANY AND CONSOLIDATED
GAS ELECTRIC LIGHT AND POWER COM-
PANY OF BALTIMORE

NOTICE OF APPLICATION

NOVEMBER 30, 1939.

Notice is hereby given that by Amendment filed November 22, 1939, to a Petition filed September 22, 1939, application has been made to the Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by the Consolidated Gas Electric Light and Power Company of Baltimore, a corporation organized under the laws of the State of Maryland and doing business in said State, with its principal office in Baltimore, Maryland, for an order authorizing, in so far as this Commission has power to do so, the purchase from The Maryland Public Service Company, a corporation organized under the laws of the State of Maryland and doing business in said State with its principal office in Frederick, Maryland, of all the latter company's franchises and property excepting cash, accounts receivable, and customers' contributions for extensions, not refundable, including all of its electric operating facilities consisting of approximately seven miles of electric line and appurtenances, supplying 145 customers, for a cash consideration of \$14,675; all as more fully appears in

the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the fifteenth day of December, 1939, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-4477; Filed, December 2, 1939;
9:48 a. m.]

[Docket No. G-120]

IN THE MATTER OF CENTRAL NEW YORK
POWER CORPORATION

ORDER TO SHOW FURTHER CAUSE

Commissioners: Clyde L. Seavey,
Chairman; Claude L. Draper, Basil
Manly, Leland Olds, John W. Scott.

DECEMBER 1, 1939.

It appearing to the Commission that:

(a) Copies of the Commission's Orders Nos. 51 and 53¹ having been duly served upon the Central New York Power Corporation;

(b) On January 5, 1939, the Commission issued an Order to Show Cause directed to Central New York Power Corporation directing said company under oath, to show cause, if any, on or before January 18, 1939, why the Commission should not institute appropriate proceedings against said company for failure to comply with the provisions of the Commission's Order No. 51;

(c) On January 18, 1939, Central New York Power Corporation filed a purported response to said Order to Show Cause in which it asserted in substance that it was not a natural-gas company subject to the Commission's jurisdiction under the Natural Gas Act: The Commission orders that:

(A) Central New York Power Corporation show further cause, if any there be, at a public hearing:

(1) Why it should not be determined to be a natural-gas company as defined in the Natural Gas Act;

(2) Why it should not be required to comply with the Commission's Orders Nos. 51 and 53;

(3) Why the Commission should not institute appropriate proceedings against said company for failure to comply with the directions contained in the Commission's Orders Nos. 51 and 53;

(B) Said public hearing be held commencing on December 20, 1939, at ten o'clock a. m., in the Hearing Room of the Federal Power Commission, 1757 K Street, NW., Washington, D. C.

By the Commission.
[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-4476; Filed, December 2, 1939;
9:48 a. m.]

¹ 3 F.R. 1692, 1694 DL.

Docket Nos. ID-434, ID-891, ID-892, ID-884,
ID-597, ID-329, ID-462, ID-617, ID-372,
ID-792, ID-505, ID-829, ID-332]

IN THE MATTER OF APPLICATIONS FILED BY
WILLIAM MCCLELLAN, EDWARD T.
GUSHEE, JOHN A. WOODBRIDGE, ALLEN
VAN WYCK, ROBERT SEALY, LOUIS E.
DICKINSON, GEORGE K. MILTENBERGER,
HERMANN SPOEHRER, JOHN L. GANZ,
JOHN G. JOHANSEN, EUGENE R. KROPP,
GEORGE H. HARTWEIN, AND EARL F.
DOYLE

ORDER FIXING DATE OF HEARING

DECEMBER 1, 1939.

Commissioners: Clyde L. Seavey,
Chairman; Claude L. Draper, Basil
Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) Upon applications separately filed by the following named applicants: William McClellan (ID-434), Robert Sealy (ID-597), Louis E. Dickinson (ID-329), George K. Miltenberger (ID-462), Hermann Spoehrer (ID-617), John L. Ganz (ID-372), John G. Johansen (ID-792), Eugene R. Kropp (ID-505), George H. Hartwein (ID-829), and Earl F. Doyle (ID-332), pursuant to Sec. 305 (b) of the Federal Power Act for authorization to hold certain interlocking positions within the purview of Sec. 305 (b), the Commission has heretofore authorized said applicants severally to hold said positions and that the orders of authorization heretofore made reserve to the Commission the right to require the applicants to make further showing that neither public nor private interests will be adversely affected by reason of the applicants' holding of said positions;

(b) Original applications have been filed by applicants Edward T. Gushee, ID-891, John A. Woodbridge, ID-892, Allen Van Wyck, ID-884, and supplemental applications have been filed by applicants William McClellan, ID-434, Robert Sealy, ID-597, and Louis E. Dickinson, ID-329, for authority to hold certain positions for which no authorization has as yet been granted;

(c) It is in the public interest that each of the above named applicants make further showing at this time that neither public nor private interests will be adversely affected by reason of his holding positions within the purview of Sec. 305 (b) for which authorization has already been granted or for which authorization is now sought;

(d) Such further showing can best be made in the form and manner of a public hearing held for that purpose;

The Commission orders that:

A public hearing on the said applications be held beginning the 8th day of January, 1940, at 10 a. m., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., and that at said hearing each of the above named applicants make further showing that neither public nor private interests will be adversely affected by

reason of his holding positions within the purview of Sec. 305 (b) of the Federal Power Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-4478; Filed, December 2, 1939;
9:48 a. m.]

SECURITIES AND EXCHANGE COM-
MISSION.

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of December, A. D. 1939.

[File No. 65-2]

IN THE MATTER OF MORGAN STANLEY &
CO., INCORPORATED, BONBRIGHT & COM-
PANY, INCORPORATED

NOTICE OF AND ORDER FOR HEARING

A request for a finding pursuant to Rule U-12F-2 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

It is ordered, That a hearing on such matter be held on December 4, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 4, 1939.

The matter concerned herewith is in regard to the status under Rule U-12F-2 of Morgan Stanley & Co., Incorporated, or Bonbright & Company, Incorporated, or both of them as prospective underwriters of the securities proposed to be issued by Consumers Power Company as

proposed in a declaration now pending before the Commission in File No. 43-270.

It is further ordered, That the above-captioned matter be consolidated with the proceedings under File No. 43-270.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4486; Filed, December 4, 1939;
11:18 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of December, A. D. 1939.

[File No. 44-55]

IN THE MATTER OF AMERICAN STATES UTILITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to Rule U-12C-1 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on December 18, 1939, at 2 o'clock in the afternoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceedings shall file a notice to that effect with the Commission on or before December 18, 1939.

The matter concerned herewith is in regard to an application by American States Utilities Corporation, a registered holding company, relating to the acquisition and retirement by it of certain shares of its 5½% cumulative preferred stock, \$25 par value. Applicant states

that it has received \$20,000 as part payment on a demand note of Grimes Pass Power Company, a subsidiary company, and that it proposes to use such funds for such purposes. It is stated that tenders of the preferred stock will be requested from the holders thereof, at prices to be specified by such holders, and it is estimated that the maximum number of shares to be acquired by the applicant (based on tenders at \$16 per share) will be 1,250 shares.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4487; Filed, December 4, 1939;
11:18 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of November 1939.

[File No. 7-433]

IN THE MATTER OF ROGERS-MAJESTIC CORPORATION, LTD., CLASS "A" STOCK WITHOUT PAR VALUE (VOTING)

ORDER GRANTING APPLICATION

Continuance of unlisted trading privileges on the New York Curb Exchange in the Class "A" Stock, Without Par Value, of Rogers-Majestic Corporation, Ltd., having been permitted by action of this Commission on October 1, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule X-12F-2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

It is ordered, Pursuant to Section 12 (f) and 23 (a) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-2 (b) promulgated thereunder, that the determination sought by said application is made and the application is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4480; Filed, December 2, 1939;
11:09 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its

office in the City of Washington, D. C., on the 1st day of December A. D. 1939.

[File No. 60-9]

IN THE MATTER OF METROPOLITAN EDISON COMPANY

NOTICE OF AND ORDER FOR HEARING

It appearing to the Commission that Metropolitan Edison Company, a subsidiary of a registered holding company, is about to declare and pay dividends on the capital stock of such company in contravention of Section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-12C-2 of the General Rules and Regulations promulgated thereunder, and the payment and declaration of which should be prohibited by order entered under Section 12 (c) to protect the financial integrity of Metropolitan Edison Company, to safeguard the working capital of Metropolitan Edison Company, to prevent the payment of dividends out of capital or unearned surplus of Metropolitan Edison Company, and to prevent the circumvention of the Public Utility Holding Company Act of 1935 and the rules and regulations or orders thereunder;

It is ordered, That Metropolitan Edison Company show cause why this Commission should not enter its order, pursuant to Section 12 (c) and, pursuant to Rule U-12C-2, preventing the declaration and payment of dividends on the capital stock of such company;

It is ordered, That a hearing on such matter be held on December 11, 1939 at 10 o'clock in the forenoon of that day at the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why this Commission should not enter its order pursuant to Section 12 (C) of the Public Utility Holding Company Act of 1935 and pursuant to Rule U-12C-2, preventing the declaration or payment of further dividends.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice and to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such company and to any person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring

to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 7, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4481; Filed, December 2, 1939;
11:09 a. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT
CLOSE OF BUSINESS THURSDAY, NOVEM-
BER 30, 1939

Important. Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Virgin Islands.....	9	0
2. Puerto Rico.....	621	45
3. Hawaii.....	148	16
4. California.....	2,283	801
5. Alaska.....	24	9
6. Texas.....	2,343	940
7. Michigan.....	1,948	921
8. Louisiana.....	845	402
9. Arizona.....	175	91
10. New Jersey.....	1,625	904
11. South Carolina.....	699	403
12. Ohio.....	2,673	1,616
13. Mississippi.....	808	491
14. Oklahoma.....	964	593
15. Alabama.....	1,064	660
16. Arkansas.....	746	475
17. Georgia.....	1,170	772
18. New Mexico.....	170	113
19. Kentucky.....	1,052	704
20. North Carolina.....	1,275	891
21. Tennessee.....	1,052	811
22. Illinois.....	3,069	2,373
23. Wisconsin.....	1,182	942
24. Connecticut.....	646	542
25. Indiana.....	1,303	1,145
26. Delaware.....	96	85
27. Nevada.....	37	33
28. Oregon.....	384	349
29. Florida.....	591	549
30. Idaho.....	179	168
31. Wyoming.....	91	86
32. New Hampshire.....	187	179
33. Pennsylvania.....	3,874	3,760
34. Washington.....	629	616
35. New York.....	5,063	4,966
36. Colorado.....	417	409
37. Missouri.....	1,460	1,440
38. Massachusetts.....	1,709	1,686
QUOTA FILLED		
39. West Virginia.....	696	696

State	Number of positions to which entitled	Number of positions occupied	Net gain or loss since July 1, 1939
IN EXCESS			
40. Vermont.....	145	147	0
41. Maine.....	321	325	+10
42. Montana.....	216	226	-6
43. Kansas.....	757	793	-26
44. Utah.....	204	219	+16
45. Rhode Island.....	277	298	-8
46. Minnesota.....	1,031	1,144	-32
47. North Dakota.....	274	299	-11
48. South Dakota.....	279	309	-3
49. Iowa.....	994	1,116	-21
50. Nebraska.....	554	687	+3
51. Virginia.....	974	2,035	-3
52. Maryland.....	656	2,066	+19
53. District of Columbia.....	196	8,846	-39
GAINS			
By appointment.....			76
By reinstatement.....			1
By transfer.....			22
Total.....			99
LOSSES			
By separation.....			35
By correction.....			4
By transfer.....			60
Total.....			99
Total appointments.....			50,184
NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 2, Rule VII, and the Attorney General's Opinion of August 25, 1934, 15,872.			
By direction of the Commission.			
[SEAL] L. A. MOYER, Executive Director and Chief Examiner.			
[F. R. Doc. 39-4479; Filed, December 2, 1939; 11:05 a. m.]			

